

UNION PACIFIC RAILROAD COMPANY

LAW DEPARTMENT
101 NORTH WACKER DRIVE, SUITE 1920
CHICAGO, ILLINOIS 60606
FAX NO. 312-777-2065

RONALD J. CUCHNA
GENERAL SOLICITOR
312-777-2040

206916



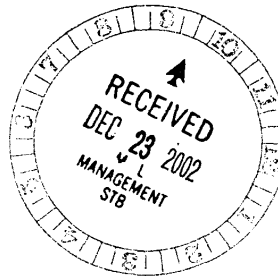
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GEORGE H. BRANT
312-777-2051
MACK H. SHUMATE, JR.
312-777-2055
DANIEL R. LA FAVE
312-777-2046
LINDA J. COYLE
312-777-2056
THOMAS W. CUSHING
312-777-2053
FREDERICK P. JOHNSTON, JR.
312-777-2047

December 20, 2002

VIA U.P.S. OVERNIGHT DELIVERY



Mr. Vernon Williams, Secretary
Surface Transportation Board
Section of Environmental Analysis
1925 "K" St., N.W., Room 504
Washington, DC 20423-0001

**RE: Proposed Abandonment of the Menomonie Industrial Lead from
M.P. 0.90 near Stout Oak Street to M.P. 2.90 near 12th
Avenue West, a distance of 2.00 miles in Menomonie, Dunn
County, Wisconsin STB Docket No. AB-33 (Sub-No. 190X)**

Dear Mr. Williams:

Pursuant to the Board's exemption procedures for abandonment of rail lines with no local business for at least two years, (49 C.F.R. 1152.50), enclosed are an original and ten (10) copies of a verified Notice of Exemption, including a Certificate of Service and Publication.

Please file the Notice of Exemption in Docket No. AB-33 (Sub-No. 190X). Enclosed is a check for \$2,700.00 for the filing fee. Three (3) computer disks, in WordPerfect format, are included for the Board's use.

Sincerely yours,

FEE RECEIVED

Mack H. Shumate, Jr.

Mack H. Shumate, Jr.
Senior General Attorney

Enclosures

**OFFICE
SURFACE
TRANSPORTATION BOARD**

FILED

**ENTERED
Office of Proceedings**

DEC 23 2002

DEC 25 2002

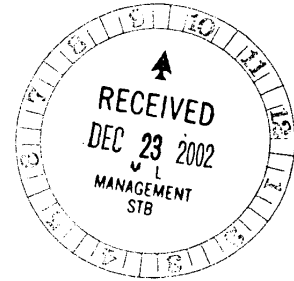
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Public Record**

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**SURFACE
TRANSPORTATION BOARD**

01

Before the
SURFACE TRANSPORTATION BOARD



Docket No. AB-33 (Sub-No. 190X)

**UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN DUNN COUNTY, WISCONSIN
(MENOMONIE INDUSTRIAL LEAD)**

NOTICE OF EXEMPTION

UNION PACIFIC RAILROAD COMPANY

Mack H. Shumate, Jr., Senior General Attorney
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606
(312) 777-2055
(312) 777-2065 FAX

Dated: December 20 2002
Filed: December 23, 2002

03

Before the
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 190X)

UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN DUNN COUNTY, WISCONSIN
(MENOMONIE INDUSTRIAL LEAD)



NOTICE OF EXEMPTION

Union Pacific Railroad Company ("UP") submits this verified Notice of Exemption pursuant to 49 § C.F.R. 1152, Subpart F -- Exempt Abandonments and Discontinuances of Service and Trackage Rights, for an exempt abandonment of the Menomonie Industrial Lead from milepost 0.90 near Stout Oak Street to Milepost 2.90 near 12th Avenue West, a distance of 2.00 miles in Dunn County, Wisconsin, (the "Line").

Proposed Consummation Date: 49 C.F.R. § 1152.50 (d)(2)

The abandonment is proposed to be consummated on or after February 12, 2003 (at least 50 days after filing the Notice of Exemption).

Certification: 49 C.F.R. 1152.50(b)

UP certifies that no local traffic has moved over the Line for at least two years; and that no formal complaint filed by a user of rail service on the Line (or filed by a state or local governmental entity acting on behalf of such user) regarding cessation of service over the Line either is pending with this Board or any U.S. District Court or

has been decided in favor of the complainant within the two-year period. The Line has not been used as an overhead route for the past two (2) years.

Additional Information Required: 49 C.F.R. 1152.22(a)(1)-(4), (7)-(8) and (e)(4)

(a) General.

(a)(1) The railroads' exact name is Union Pacific Railroad Company.

(a)(2) UP is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

(a)(3) UP intends to abandon the Line from milepost 0.90 near Stout Oak Street, to Milepost 2.90 near 12th Avenue West, a distance of 2.00 miles. The Line is located in Menomonie, Dunn County, Wisconsin.

(a)(4) A map showing the location of the Line in conjunction with other rail lines, highways and major roads in the area is attached hereto as **Exhibit A** and hereby made a part hereof.

(a)(7) The representative to whom correspondence regarding this abandonment should be sent is:

Mack H. Shumate, Jr., Senior General Attorney
Union Pacific Railroad Company
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606
(312) 777-2055
(312) 777-2065 FAX

(a)(8) ZIP Code. The Line traverses U. S. Postal Service Zip Codes 54751.

(e)(4) Rural and Community Impact. The Line was originally constructed in 1880 by the Menominie Railway (spelling intentional). The Line is constructed with 90-

pound rail. There appears to be no reasonable alternative to the abandonment. The last active customer on the Line was Menomonie Farmers Union Coop., which shipped inbound fertilizer. Its most recent rail business was in September, 2000. Farmers Union Coop. has since shifted to truck and has informed UP that it has no further requirement for rail service. In 2000, Farmers Union Coop.'s activity consisted of 4 cars, 401 tons of Potassium Chloride (STCC 2812534); 1 car, 99 tons of Urea (STCC 2818170); and 4 cars, 399 tons of Diammonium Phosphate fertilizer (STCC 2871235). No local traffic has moved over the Line in the past two years, and there is no overhead traffic on the Line.

Given that the Line has not been used for rail shipments for over twenty-four (24) months, there will be no effect on regional or local transportation systems and patterns and no diversion of traffic to other transportation systems or modes. After abandonment, the closest rail service would be provided by UP at Stout Oak Street, at the beginning of the abandonment. The immediate area of the Line is served by three highways -- Route 12 and 25, which are north-south routes, and Route 94, which is an east-west route.

Based on information in the UP's possession, the Line proposed for abandonment consists of 24.40 acres and does not contain federally granted right-of-way. All of the right-of-way is subject to reversionary interests. The surrounding area is generally rural, interspersed with small communities served by local roads parallel and generally adjacent to the Line. Therefore, the Line's use would be restricted as a public road or recreational trail unless it is progressed as a rails to trails corridor. The City of

Menomonie, Wisconsin has expressed an interest in acquiring the Line and is in discussions with the UP. Any documentation so related to the Line, including real estate documentation, in UP's possession regarding UP's real property interests in the Line will be made available upon request.

Labor Protection

The interests of railroad employees will be protected by the conditions discussed in Oregon Short Line Railroad Co. -- Abandonment -- Goshen, 360 ICC 91 (1979).

Certifications

Attached hereto as **Exhibit B** and hereby made a part hereof is a Certificate of Service and Publication pursuant to the notice requirements of 49 C.F.R. §§ 1152.50(d)(1), 1105.11 and 1105.12.

Environmental and Historic Report

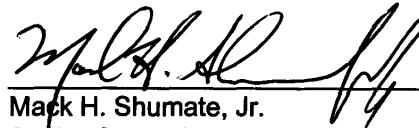
A copy of the Transmittal Letter of UP's Combined Environmental and Historic report containing the information required by 49 C.F.R. §§ 1105.7 (e) and 1105.8, and delivered in accordance with 49 C.F.R. 1105.11, is attached hereto as **Exhibit C** and hereby made a part hereof. The original and ten (10) copies were sent to Ms. Victoria Rutson, Section of Environmental Analysis (SEA), on August 7, 2002. The Combined Environmental and Historic Report originally contemplated the filing of a Petition for Exemption. However, since there have not been shipments to or from the Line in over two (2) years a Notice of Exemption was chosen as a more appropriate filing.

A letter from the United States Department of the Interior, Fish and Wildlife Service dated June 6, 2002 is attached hereto as **Exhibit D** and is hereby made a part hereof. This letter indicates that due to the nature and location of the proposed activities, the listed species will not be affected. Whether or not the Line is transferred to the City of Menomonie as currently expected, all salvage operations, if any, will be performed in accordance with applicable environmental law.

Dated this 20 day of December, 2002.

Respectfully submitted,

UNION PACIFIC RAILROAD COMPANY



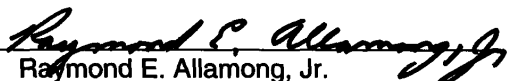
Mack H. Shumate, Jr.
Senior General Attorney

VERIFICATION

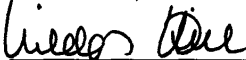
STATE OF NEBRASKA)
) ss:
COUNTY OF DOUGLAS)

I, RAYMOND E. ALLAMONG, JR., Manager Rail Line Planning of Union Pacific Railroad Company, declare under penalty of perjury, under the laws of the United States of America, that I have read the foregoing document and that its assertions are true and correct to the best of my knowledge, information and belief. I further declare that I am qualified and authorized to submit this verification on behalf of Union Pacific Railroad Company. I know that willful misstatements or omissions of material facts constitute Federal criminal violations punishable under 18 U.S.C. 1001 by imprisonment up to five years and fines up to \$10,000 for each offense. Additionally, I know that these misstatements are punishable as perjury under 18 U.S.C. 1621, which provides for fines up to \$2,000 or imprisonment up to five years for each offense.

Dated at Omaha, Nebraska, this 11th day of December, 2002.

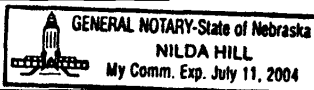

Raymond E. Allamong, Jr.

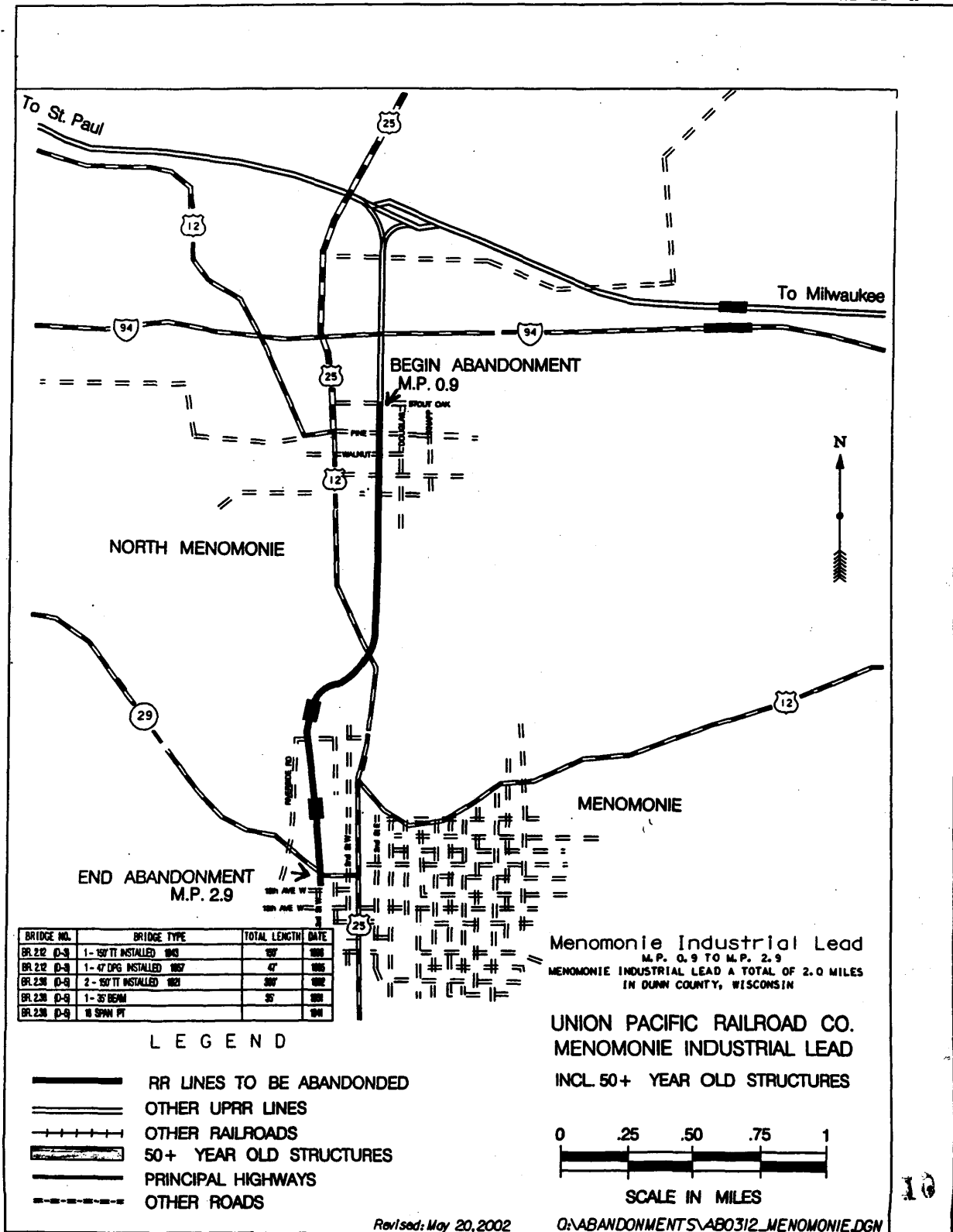
SUBSCRIBED AND SWORN TO
before me this 11th day of
December, 2002.



Notary Public

My Commission expires: _____





DOCKET NO. AB-33 (SUB-NO. 190X)
Menomonie Industrial Lead in Dunn County, WI

CERTIFICATE OF SERVICE AND PUBLICATION

49 C.F.R. § 1152.50(d)(1) - Notice

The undersigned certifies that on December 11, 2002 (at least 10 days before a Notice of Exemption is filed), written notice was given of Union Pacific's intent to use the exemption notice procedure to abandon the Menomonie Industrial Lead in Dunn County, Wisconsin in Docket No. AB-33 (Sub-No. 190X). Written notice (a copy of which is attached hereto as Attachment 1) was served on the following:

Allyn Lepeska
Office of General Counsel
Wisconsin Department of Transportation
PO Box 7910
Madison, WI 53707

U.S. Department of Agriculture
Chief of the Forest Service
4th Floor NW, Auditors Bldg.
14th Street & Independence Ave., SW
Washington, D.C. 20250

National Park Service
William D. Shaddox
Chief, Land Resources Division
1849 "C" St., N.W., #MS2540
Washington, D.C. 20240

Military Traffic Management Command
Transportation Engineering Agency
Attn: Railroads for National Defense
720 Thimble Shoals Blvd., Suite 130
Newport News, VA 23606-2574

49 C.F.R. § 1105.11 - Transmittal Letter For Applicant's Report

The undersigned certifies that on August 7, 2002 (at least 20 days before a Notice of Exemption is filed), a Combined Environmental and Historic Report

pursuant to 49 C.F.R. §§ 1105.7 and 1105.8 was served in Docket No. AB-33 (Sub-No. 190X) for abandonment of the Menomonie Industrial Lead in Dunn County, Wisconsin on the following:

- (1) State Clearinghouse (or alternate)
- (2) State Environmental Protection Agency
- (3) State Coastal Zone Management Agency
- (4) Head of each County
- (5) U.S. Environmental Protection Agency (regional office)
- (6) U.S. Fish and Wildlife Service
- (7) U.S. Army Corps of Engineers
- (8) National Park Service
- (9) U.S. Natural Resources Conservation Service
- (10) The National Geodetic Survey
- (11) State Historic Preservation Office
- (12) Other Agencies Consulted (as listed)

(The Certificate of Service attached to the Combined Environmental and Historic Report lists the names and addresses of the federal, state and local agencies served.)

49 C.F.R. § 1105.12 - Newspaper Notice

The undersigned further certifies that a "Notice of Intent to Abandon or to Discontinue Rail Service" was published in the form prescribed by the Board for a Notice of Exemption. The notice was published one time in a major newspaper in the county in which the Line is located as follows:

<u>County</u>	<u>Newspaper</u>	<u>Date</u>
Dunn	Dunn County News	October 17, 2002

Dated this 20th day of December, 2002.

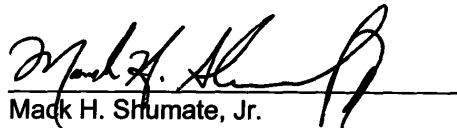

Mack H. Shumate, Jr.

EXHIBIT "C"
UNION PACIFIC RAILROAD COMPANY
LAW DEPARTMENT

RONALD J. CUCHNA
GENERAL SOLICITOR



COPY
101 NORTH WACKER DRIVE
SUITE 1920
CHICAGO, ILLINOIS 60606
312-777-2040
FAX 312-777-2085

August 7, 2002

VIA UPS OVERNIGHT DELIVERY

Surface Transportation Board
Section of Environmental Analysis
1925 "K" Street, N.W. Room 504
Washington, DC 20423-0001

Attention: Victoria Rutson

RE: Docket AB-33 (Sub-No.190X), Union Pacific Railroad Company -
Abandonment Exemption - In Dunn County, WI (Menomonie Industrial
Lead from MP 0.90 near Stout Oak Street to MP 2.90 near 12th Avenue
West) a distance of 2.0 miles

Dear Ms. Rutson:

Enclosed for filing in the above-referenced docket is the original and ten (10) copies of a Combined Environmental and Historic Report prepared pursuant to 49 C.F.R. §1105.7 and §1105.8, with a Certificate of Service, and a transmittal letter pursuant to 49 C.F.R. §1105.11.

Union Pacific anticipates filing a Petition for Exemption in this matter on or after August 29, 2002.

Sincerely yours,

Mack H. Shumate, Jr.
Senior General Attorney

MHS/taf
Enclosures

August 7, 2002

cc:

State Clearinghouse (or alternate):

Jeff Smith, Section Chief
Federal State Relations
Division of Energy & Intergovernmental
Relations
Department of Administration, 6th Floor
P. O. Box 7868
101 E. Wilson
Madison, WI 53707-7868

State Environmental Protection Agency:

Department of Natural Resources
P. O. Box 7921
Madison, WI 53719-2726

**State Coastal Zone Management Agency
(if applicable):**

Coastal Policy Section
Division of Energy & Intergovernmental
Relations
Department of Administration, 6th Floor
P. O. Box 7868
101 E. Wilson
Madison, WI 53707-7868

Head of each County:

Dunn County Supervisors
County Courthouse
800 Wilson Avenue
Menomonie, WI 54751

**Environmental Protection Agency
(regional office):**

U.S. Environmental Protection Agency
Region 5
77 West Jackson Blvd.
Chicago, IL 60604

U.S. Fish and Wildlife:

U.S. Fish & Wildlife Service, Region 3
One Federal Drive
Federal Building
Fort Snelling, MN 55111

U.S. Army Corps of Engineers:

U.S. Army Engineer District
St. Paul
190 Fifth Street East
St. Paul, MN 55101-1638

National Park Service:

William D. Shaddox
Chief, Land Resources Division
National Park Service
800 North Capitol Street, NE., Room 500
Washington, D.C. 20002

**U.S. Natural Resources Conservation
Service:**

Natural Resource Conservation Service
Midwest Regional Office
2820 Walton Commons West, Suite 123
Madison, WI 53718-6797

National Geodetic Survey:

National Geodetic Survey
Edward J. McKay, Chief
Spatial Reference System Division
NOAA N/NGS2
1315 E-W Highway
Silver Spring, MD 20910-3282

State Historic Preservation Office:

Wisconsin Historical Society
816 State Street
Madison, WI 53706

Other

Menomonie Farmers Union Coop
709 Main Street East
Menomonie, WI 54751



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Green Bay ES Field Office
1015 Challenger Court
Green Bay, Wisconsin 54311-8331
Telephone 920/465-7440
FAX 920/465-7410

June 6, 2002

Mr. Charles W. Saylors
Union Pacific Railroad Company
1416 Dodge Street, Room 830
Omaha, Nebraska 68179

re: Proposed Abandonment of the Menomonie
Industrial Lead from M.P. 90 near Stout Oak Street
to M.P. 1.90 near 12th Avenue West in Menomonie
STB Docket No. AB-33 (Sub-No. 190x)
Dunn County, Wisconsin

Dear Mr. Saylors:

The U.S. Fish and Wildlife Service (Service) has received your letter dated May 22, 2002, requesting comments on the subject project. Due to staff time constraints and priority work activities, we are able to only review your project for potential impacts to federally-listed threatened and endangered species or those proposed for listing. Be advised that other environmental concerns may be associated with this project such as wetland and stream impacts, erosion control needs, and effects on state-listed threatened or endangered species. State or federal permits may be needed, as well, if stream or wetland impacts will occur. If resource impacts are expected to occur, we recommend that you forward this project to the appropriate Wisconsin Department of Natural Resources office for their review.

Please provide us copies of any future review documents that may be associated with this project or of future projects you may be planning that would require Service review. This will allow us to keep our files current. We will provide comments as time and work priorities allow.

Federally-Listed Threatened and Endangered Species and Critical Habitat

A review of information in our files indicates that the following federally-listed threatened or endangered species or critical habitat occur in Dunn County:

<u>Classification</u>	<u>Common Name</u>	<u>Scientific Name</u>	<u>Habitat</u>
threatened	bald eagle	<u>Haliaeetus</u> <u>leucocephalus</u>	breeding

endangered

Karner blue
butterfly

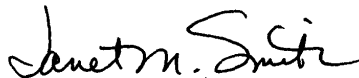
Lycacides
melissa samuelis

prairie, oak savanna,
and jack pine areas
with wild lupine

Due to the nature and location of the proposed activities, we conclude that the above listed species will not be affected. This precludes the need for further action on this project as required by the 1973 Endangered Species Act, as amended. Should the project be modified or new information become available that indicates listed species or critical habitat may be affected, consultation should be initiated.

We appreciate the opportunity to respond. Questions pertaining to these comments can be directed to Mr. Ronald Spry by calling 920-465-7420.

Sincerely,



Janet M. Smith
Field Supervisor